

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FELIX A. PABON, :
: _____
: Plaintiff, :
-against- :
: _____ 23-CV-8276 (VEC)
: _____
PENSKE LOGISTICS INC. COMPONENT : ORDER
CARRIER LLC, JOHNS MANVILLE, AND :
JAMES C LAWALL, :
: _____
Defendants. :
----- X

VALERIE CAPRONI, United States District Judge:

WHEREAS on September 19, 2023, Defendants filed a Notice of Removal in the action initially filed by Felix A. Pabon in the Supreme Court of the State of New York, County of Bronx on July 27, 2023, Dkt. 1;

WHEREAS Defendants allege that this Court has subject matter jurisdiction based on diversity, *id.* ¶ 18;

WHEREAS “for purposes of diversity jurisdiction, limited partnerships have the citizenship of each of its general and limited partners,” *see Handelsman v. Bedford Vill. Assocs. Ltd. P’ship*, 213 F.3d 48, 52 (2d Cir. 2000);

WHEREAS a Notice of Removal premised upon diversity of citizenship must, if not established on the face of the Complaint, allege the citizenship of natural persons who are members of an LP and the place of incorporation and principal place of business of any corporate entities that are members of the LP (including the citizenship of any members of the LP that are themselves LPs or LLCs), *see id.* at 51–52 (2d Cir. 2000); *see also, e.g., In re Bank of Am. Corp. Sec., Derivatives, and ERISA Litig.*, 757 F. Supp. 2d 260, 334 n.17 (S.D.N.Y. 2010);

WHEREAS the Notice of Removal alleges that Defendant Penske Truck Leasing Co. L.P. i/s/h/a Penske Logistics Inc. Component Carrier, LLC is a limited partnership organized and existing under the laws of the State of Delaware and has a principal place of business in Berks County, Pennsylvania, *see* Dkt. 1 ¶ 10; and

WHEREAS neither the Complaint nor the Notice of Removal make any allegations as to the citizenship of the members of said Defendant; and

IT IS HEREBY ORDERED that, by no later than **Wednesday, October 4, 2023**, Defendants must file an amended notice of removal that cures the deficiencies described herein or the matter will be remanded to state court for lack of subject matter jurisdiction.

SO ORDERED.

Date: **September 20, 2023**
New York, New York



VALERIE CAPRONI
United States District Judge